

## REMARKS

### STATUS OF THE CLAIMS

Claims 1 and 10-23 are pending. Claim 1 has been cancelled. Applicant reserves the right to pursue the subject matter of this claim in this or another application. Claims 10, 13 and 16 have been amended to recite that the first and second valves each comprise a disc-shaped clapper that is pivotally connect to the valve body via a pivot arm. Claim 23 has been similarly amended to recite the seatable valve discs are pivotally mounted in the valve housing.

Accordingly, no new matter has been added by these amendments and no estoppels are intended thereby. Reconsideration and withdrawal of the outstanding rejections is respectfully requested in view of the following remarks.

### OFFICE ACTION

#### REJECTIONS UNDER 35 U.S.C. § 102(b)

(1) Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by McHugh (4,991,655). Applicant respectfully traverses this rejection.

Without conceding the propriety of the rejection, claim 1 has been cancelled rendering this rejection moot with respect to this claim. Accordingly, Applicant respectfully requests that this reject be withdrawn.

(2) Claims 10, 11, 13, 15 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Griswold (UK 1,490,553). Applicant respectfully traverses this rejection.

Applicant notes that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (quoting *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

As indicated in the Listing of Claims section of this amendment, claim 1, and therefore dependent claims 11, 13 and 15, recites that the first and second valves each comprise a disc-shaped clapper that is pivotally connect to the valve body via a pivot arm. Claim 23 similarly recites that the seatable valve discs are pivotally mounted. Applicant respectfully submits that Griswold fails to disclose at least these aspects of claims.

To the contrary, Griswold discloses a check valve assembly which includes a poppet 11 slidably mounted within a stationary barrel 12 and not a disc-shaped clapper pivotally connected to the valve body via a pivot arm. See, for example, page 2, lines 59-65 and FIG. 2 of Griswold.

Accordingly, Applicant respectfully submits that Griswold fails to anticipate claims 10, 11, 13, 15 and 23 for at least the above stated reasons and therefore requests that this rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103(a)

(1) Claim 12 stands rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over Griswold (UK 1,490,553) in view of Griswold et al. (US 3,173,439). Applicant respectfully traverses this rejection.

To establish a prima facie case of obviousness, the prior art references must teach or suggest all of the claim elements. M.P.E.P. § 2143. There must also be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references. *Id.* Applicant respectfully submits that these criteria for obviousness have not been satisfied.

As previously discussed in connection with the § 102 (b) rejections of the Office Action, claim 12 depends from amended claim 10 and therefore recites a backflow preventor apparatus that has first and second valves each comprising a disc-shaped clapper that is pivotally connect

to the valve body via a pivot arm along with flanges that include holes. Again, Griswold UK'553 fails to disclose at least these aspects of the claims.

Referring now to Griswold US'439, while it discloses a disc retainer 26 pivotally connected via a hinge member 35, there is no suggestion or motivation in Griswold UK'553 to modify the stationary barrel 12 to employ a pivotally mounted disc-shaped clapper as recited in claim 12. Also, Griswold US'439 discloses a backflow prevention device having a linear flow path is depicted and not a flow path wherein the sum of changes in flow direction is approximately 180 degrees as disclosed in the claims. Similarly, there is no suggestion or motivation in Griswold '439 to modify the fluid flow path to employ a path wherein the sum of changes in flow direction is approximately 180 degrees. Applicant respectfully submits that even if one skilled in the art were to modify Griswold UK'553 to include pivotally mounted disc-shaped clappers and not poppets 11, the fluid flow apparatus would not function correctly.

Accordingly, Applicant respectfully submits that a prima facie case of obviousness has not been established and therefore this rejection should be withdrawn.

(2) Claim 14 stands rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over Griswold (UK 1,490,553) in view of Cornwall (US 213,394). Applicant respectfully traverses this rejection.

Claim 14 depends from amended claim 10 and therefore recites a backflow preventor apparatus that has first and second valves each comprising a disc-shaped clapper that is pivotally connect to the valve body via a pivot arm. Griswold '553 fails to disclose at least this aspect of the claims as described above. Cornwall '394 simply discloses a sewer pipe and trap and fails to remedy the aforementioned deficiency in Griswold '553.

Accordingly, withdrawal of this rejection is respectfully requested.

(3) Claims 16-22 stand rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over the device envisioned by the claims 11, 9, 4, etc. of Griswold (UK 1,490,553) in view of Griswold (UK 1,490,553). Applicant respectfully traverses this rejection.

Claim 16, and therefore dependent claims 17-23, recites that the first and second valves each comprise a disc-shaped clapper that is pivotally connect to the valve body via a pivot arm. Again, Griswold UK'553 fails to disclose at least this aspect of the claims and therefore fails to teach or suggest all the elements as recited in the claims.

Accordingly, Applicant respectfully submits that a prima facie case of obviousness has not been established and therefore this rejection should be withdrawn with respect to claims 16-22.

#### CONCLUSION


No extension-of-time fee or other fees are believed due. However any extension of time necessary to prevent abandonment is hereby requested, and any fee necessary for consideration of this response is hereby authorized to be charged to Deposit Account Number 50-2036.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at 202/861-1714.

Respectfully submitted,

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